

## REMARKS

In accordance with the foregoing, claims 1, 10, 19, and 28 have been amended to incorporate the subject matter of claims 2, 11, 20, and 29, claims 2, 11, 20, and 29 have been cancelled without prejudice or disclaimer, and claims 1, 3-10, 12-19, 21-28, and 30-36 are pending and under consideration. No new matter is presented in this Amendment.

### REJECTIONS UNDER 35 U.S.C. §102:

Claims 1-2, 4, 9, 19, 20, 22, 27 are rejected under 35 U.S.C. §102(b) as being anticipated by Kanda (U.S. Patent 6,137,943). The Applicant respectfully traverses the rejection and request reconsideration.

Regarding the rejection of independent claim 1, it is noted that claim 1 as amended recites a compressing of the received data such that "if a recording bit rate of the second data storage medium is required to be smaller than a predetermined value or within a predetermined range," a generation amount of the data is controlled accordingly. In contrast, Kanda only discloses an encoder that encodes received data. That is, the entirety of the Kanda does not disclose an encoder that controls a generation amount of data according to a predetermined value or a predetermined range, as recited in amended claim 1.

Regarding the rejection of claim 2, it is noted that this claim has been cancelled and, therefore, the rejection is moot.

Regarding the rejection of claims 4 and 9, it is noted that these claims depend from claim 1 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of independent claim 19, it is noted that claim 19 as amended recites a compressing of the received data such that "if a recording bit rate of the second data storage medium is required to be smaller than a predetermined value or within a predetermined range," a generation amount of the data is controlled accordingly. In contrast, Kanda only discloses an encoder that encodes received data. That is, the entirety of the Kanda does not disclose an encoder that controls a generation amount of data according to a predetermined value or a predetermined range, as recited in amended claim 19.

Regarding the rejection of claim 20, it is noted that this claim has been cancelled and, therefore, the rejection is moot.

Regarding the rejection of claims 22 and 27, it is noted that these claims depend from

claim 19 and are, therefore, allowable for at least the reasons set forth above.

**REJECTIONS UNDER 35 U.S.C. §103:**

Claims 5-8 and 23-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kanda (U.S. Patent 6,137,943) in view of Yuen (U.S. Patent Publication 2002/0186957). The Applicant respectfully traverses the rejection and request reconsideration.

Regarding the rejection of claims 5-8, it is noted that these claims depend from claim 1 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claims 23-26, it is noted that these claims depend from claim 19 and are, therefore, allowable for at least the reasons set forth above.

Claims 3 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kanda (U.S. Patent 6,137,943) in view of Kubota et al (U.S. Patent 6,311,011). The Applicant respectfully traverses the rejection and request reconsideration.

Regarding the rejection of claim 3, it is noted that this claim depends from claim 1 and is, therefore, allowable for at least the reasons set forth above. Furthermore, it is noted that claim 3 recites, "if the compressed data is completely recorded on the second data storage medium, the controller deletes the same compressed data recorded on the first data storage medium." By way of review, Kubota discloses three methods of recording data. In a first embodiment, the video recorder/player of Kuroda begins to record a program in a temporary storage device, completes recording the program to a selected storage device, and merges the two recorded portions in the selected storage device (column 5, lines 42-52; and FIG. 3). In second and third embodiments, the video recorder/player of Kuroda records the entire program to the temporary storage device and then transfers the recorded program to the selected storage device (column 6, lines 13-15; column 6, lines 38-40; and FIGs. 7-8). In regards to the first embodiment, only a **portion** of data is recorded in each storage device, as opposed to **completely recording** the data in a storage medium as recited in the present claim. In regards to the second and third embodiments, the data is not deleted from the first medium when the data has been completely recorded on the second medium as recited in the present claim. Rather, in Kuroda, the data is deleted from the second medium when the data has been completely recorded on the second medium. The Examiner cites column 6, lines 45-53 as a teaching of deleting the data on the first medium when the data has been completely recorded on the second medium. The Applicant

notes that the present claim recites a **deleting of data on a first medium** when the data has been completely recorded on a second medium. Meanwhile, column 6, lines 45-53 (i.e., the second and third embodiments of Kuroda) disclose a **deleting of data on a second medium** when the data has been completely recorded on the second medium (column 6, lines 45-53). Specifically, the data is completely recorded on the second medium, and then transferred to the first medium and deleted from the second medium. Therefore, the Applicant respectfully submits that Kanda in view of Kuroda fails to disclose a deleting of the data from the first medium when the data has been completely recorded on the second medium, as recited in claim 3.

Regarding the rejection of claim 21, it is noted that this claim depends from claim 19 and is, therefore, allowable for at least the reasons set forth above. Furthermore, it is noted that claim 21 is allowable for at least the reasons set forth above with regards to claim 3.

Claims 10, 13, 18, 28, 31 and 36 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yamada et al (U.S. Patent 6,442,327), hereinafter "Yamada," in view of Kanda. The Applicant respectfully traverses the rejection and request reconsideration.

Regarding the rejection of independent claim 10, it is noted that claim 10 as amended is allowable for at least the reasons set forth above with reference to claims 1 and 19.

Regarding the rejection of claims 13 and 18, it is noted that these claims depend from claim 10 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of independent claim 28, it is noted that claim 28 as amended is allowable for at least the reasons set forth above with reference to claims 1 and 19.

Regarding the rejection of claims 31 and 36, it is noted that these claims depend from claim 28 and are, therefore, allowable for at least the reasons set forth above.

Claims 11 and 29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yamada et al (U.S. Patent 6,442,327) in view of Kanda (U.S. Patent 6,137,943) as applied to claims 10 and 28 above, further in view of Sirivara et al (U.S Patent 7,133,881). Regarding the rejection of claims 11 and 29, it is noted that these claims have been cancelled and, therefore, the rejection is moot.

Claims 12 and 30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yamada et al (U.S. Patent 6,442,327) in view of Kanda (U.S. Patent 6,137,943) as applied to claims 10 and 28 above, further in view of Kubota (U.S Patent 6,311,011). The Applicant

respectfully traverses the rejection and request reconsideration.

Regarding the rejection of claim 12, it is noted that this claim depends from claim 10 and is, therefore, allowable for at least the reasons set forth above. Furthermore, it is noted that claim 12 is allowable for at least the reasons set forth above with regards to claim 3.

Regarding the rejection of claim 30, it is noted that this claim depends from claim 28 and is, therefore, allowable for at least the reasons set forth above. Furthermore, it is noted that claim 28 is allowable for at least the reasons set forth above with regards to claim 3.

Claims 14-17 and 32-35 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yamada et al (U.S. Patent 6,442,327) in view of Kanda (U.S. Patent 6,137,943) as applied to claims 10 and 28 above, further in view of Yuen (U.S. Patent Publication 2002/0186957). The Applicant respectfully traverses the rejection and request reconsideration.

Regarding the rejection of claims 14-17, it is noted that these claims depend from claim 10 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of claims 32-35, it is noted that these claims depend from claim 28 and are, therefore, allowable for at least the reasons set forth above.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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